



**MONTANA  
AMERICAN  
INDIAN CAUCUS**

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Montana State Senate  
Judiciary Committee  
PO Box 200500  
Helena, MT 59620-0500

January 29, 2013

Dear Judiciary Committee,

On behalf of the Montana American Indian Caucus of the 63<sup>rd</sup> Legislature, we voice our support for replacing the death penalty in Montana with life without the possibility of parole.

The U.S. Constitution guarantees fairness and equity before the law and yet one of the death penalty's fatal flaws is the unequal application to people of color and those in poverty. Numerous governmental and non-governmental studies have shown that racial biases permeate our legal system and lead to inequalities in sentencing.

The death penalty disproportionately affects American Indians. A study in 2003 found that a disproportionate 19% of those executed prior to 1994 were American Indians. American Indians make up about 6.5% of Montana's population and yet make up 15% of those who have been sentenced to death in Montana.

The death penalty is also disproportionately applied to low-income people, many of whom are people of color. Defendants who are poor and represented by court-appointed lawyers are more likely to get the death penalty than those who can afford their own expensive legal representation. Such skewed application of justice is part of the reason that in the last 40 years 142 people been sentenced to death and later found innocent.

In addition, the death penalty is much more expensive than life without parole. Every major cost study ever done shows that the death penalty system costs taxpayers at least 2 to 3 times more than a system of life without parole. The majority of that cost is incurred during the initial trial, whether or not the defendant is sentenced to death.

Finally, the death penalty prolongs pain for victims' families, dragging them through an agonizing and lengthy process that holds out the promise of an execution at the beginning but often results in a different sentence in the end. A life without parole sentence, on the other hand, begins as soon as victims' families leave the courtroom and is served anonymously, outside the spotlight of the media cameras.

The American Indian Caucus asks the Judiciary Committee to strongly consider supporting the bill replacing the death penalty in Montana with life without the possibility of parole.

Sincerely,

Montana American Indian Caucus

EXHIBIT 18  
DATE 2/14/2013  
HB 310

Montana State House of  
Representative  
Judiciary Committee  
PO Box 200400  
Helena, MT 59620-0400